
Transportation Appeal Tribunal of Canada

2012-13

Report on Plans and Priorities

**The Honourable Denis Lebel, P.C, M.P.
Minister of Transport, Infrastructure and Communities**



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Minister's Message



It is my pleasure to present the 2012–2013 Report on Plans and Priorities of the Transportation Appeal Tribunal of Canada.

The Tribunal is quasi-judicial and it focuses on the independent review of administrative and enforcement actions taken under the *Transportation Appeal Tribunal Act*, the *Aeronautics Act*, the *Canada Shipping Act, 2001*, the *Marine Transportation Security Act*, the *Railway Safety Act*, the *Canada Transportation Act*, the *International Bridges and Tunnels Act* and the *Canada Marine Act*.

Matters that the Tribunal hears include the suspension and cancellation of licences, certificates and other documents of entitlement, the issuance of railway orders and the administration of monetary penalties under various Federal statutes.

The Tribunal conducts its Review and Appeal Hearings throughout Canada in accordance with procedural fairness and the rules of natural justice. The adjudication process has an immediate effect on the aviation, marine and the rail sectors of the country, from coast to coast to coast.

Members are appointed with transportation specific experience and/or law backgrounds in order to efficiently and effectively address the myriad of issues that the Tribunal encounters. This has allowed the Tribunal to become an expert transportation related quasi-judicial review body and has enhanced the credibility and value of its decision making process.

In 2012, it is anticipated that there will be a significant increase in the number of Review and Appeal Hearings based on the economy, enhanced monitoring of the various modes of federally regulated transportation and the expanded mandate that the Tribunal now has in the marine sector (the *Marine Transportation Security Act* and the *Administrative Penalty Regulations* under the *Canada Shipping Act, 2001*). In concert with this, there is an increase in the reviews concerning the refusal to issue or amend marine documents.

The recruitment and retention of new full time staff and the additional Members required to fulfill the Tribunal's mandate are the two key challenges that have been identified for the next few years.

Fortunately, an excellent foundation exists with the present dedicated, professional staff and Members upon which the Tribunal can build on over the next four years.

I remain confident in the ability of the Transportation Appeal Tribunal of Canada to continue to be recognized as a leader in its field, nationally and internationally.

Denis Lebel, P.C, M.P.
Minister of Transport, Infrastructure and Communities

Section I: Organizational Overview

Raison d'être

The mandate and the jurisdiction of the Transportation Appeal Tribunal of Canada ("Tribunal") are provided for by the *Transportation Appeal Tribunal of Canada Act*. The Tribunal's principal mandate as a multimodal review body is to hold Review and Appeal Hearings at the request of interested parties with respect to certain administrative actions taken under various Federal transportation Acts.

Responsibilities

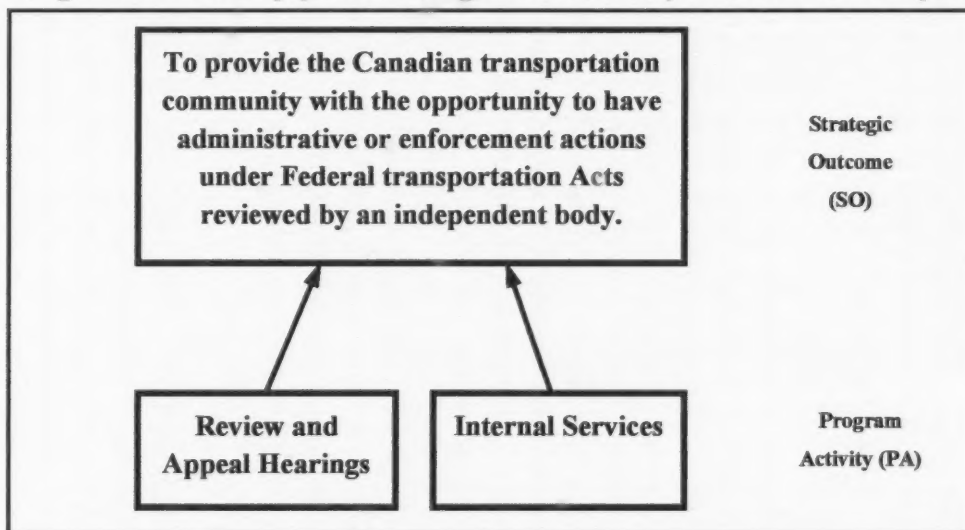
The Tribunal provides the national transportation community with the opportunity to have the Minister of Transport's enforcement and licensing decisions reviewed by an independent body.

The Minister's enforcement and licensing decisions may include monetary penalties or the suspension, cancellation, refusal to renew or refusal to issue or amend documents of entitlement on medical or other grounds.

These decisions are reviewed through a two-level hearing process: Review and Appeal Hearings. All Hearings are to be held expeditiously and informally, in accordance with the rules of fairness and natural justice.

At the conclusion of a Hearing, the Tribunal may confirm the Minister's decision, substitute its own decision, or refer the matter back to the Minister for reconsideration.

Strategic Outcome(s) and Program Activity Architecture (PAA)



Organizational Priorities

Priority	Type ¹	Strategic Outcome(s) and/or Program Activity(ies)
Hold Hearings expeditiously and informally	Ongoing	To provide the Canadian transportation community with the opportunity to have administrative or enforcement actions under Federal transportation Acts reviewed by an independent body.
Description		
Why is this a priority? • Applicants are entitled to have their cases heard by an independent body. Plans for meeting the priority • Ensure that cases are reviewed promptly. • Appoint competent Members to Hearings.		

Priority	Type	Strategic Outcome(s) and/or Program Activity(ies)
Increase awareness of the Tribunal with respect to its mission, mandate, role and results achieved	Ongoing	To provide the Canadian transportation community with the opportunity to have administrative or enforcement actions under Federal transportation Acts reviewed by an independent body.
Description		
Why is this a priority? • The transportation community needs to be aware that administrative and enforcement actions issued against them can be reviewed by an independent body.		

¹ Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

Plans for meeting the priority

- Tribunal information accessible to the lay person in a timely manner.
- Participating in conferences and trade association meetings to enhance citizen engagement and public access to the Tribunal's program.
- Promoting the Tribunal's program at public events.
- Building and maintaining communication partnerships with the transportation community to help meet diverse needs.
- Redesigning the Tribunal's Web site.

Priority	Type	Strategic Outcome(s) and/or Program Activity(ies)
Recruit additional Members	Ongoing	To provide the Canadian transportation community with the opportunity to have administrative or enforcement actions under federal transportation Acts reviewed by an independent body.
Description		
Why is this a priority? • The transportation community must have confidence that administrative and enforcement actions are reviewed in a timely manner by competent Members.		
Plans for meeting the priority • Identifying potential sources for recruiting new Members. • Promoting the opportunity to become a Member.		

Risk Analysis

The Tribunal's activities are driven by external demands that it can only react to rather than plan for. The Tribunal's main risk is the added pressure on its resources from an increased and unpredictable workload, mainly from more enforcement proceedings from the marine sector.

In addition to further demand for its services, the Tribunal has had to manage ongoing increases in operating costs, such as per diems for Members, hotels, hearing rooms, court reporters, travel charges, IT upgrades and translation costs, while its funding budget has remained stable.

One of the most significant risks is the number of Members available to conduct hearings and their skill sets. In order to deliver on its mandate and program, the Tribunal needs to have Members with the right mix of skills and talents in all three kinds of transportation, as well as medical expertise.

The Tribunal has numerous strategies in place to handle these potential risks. The strategy includes identifying and implementing cost savings opportunities in its operating expenditures in areas such as IT and translation services. The Tribunal is also strengthening its efforts to attract qualified transportation experts to join the Tribunal as Members.

Planning Summary

Financial Resources (in thousands of dollars)

2012-13	2013-14	2014-15
1,412	1,412	1,412

Human Resources (Full-Time Equivalent [FTE])

2012-13	2013-14	2014-15
12	12	12

Strategic Outcome: to provide the Canadian transportation community with the opportunity to have administrative or enforcement actions under federal transportation Acts reviewed by an independent body.

Performance Indicators	Targets
% of disposition of Review and Appeal Hearings within 120 days of request for hearing.	100% decisions rendered within 120 days.
% of hearing Members provided with training or refresher courses.	100% of hearing Members provided with training within 120 days of appointment.
% of registry staff provided with training.	100% of staff provided with training at fiscal year-end.
% of decisions published on Web site.	100% of decisions are published on the Web site within 120 days of the date of the decision.

Planning Summary Table

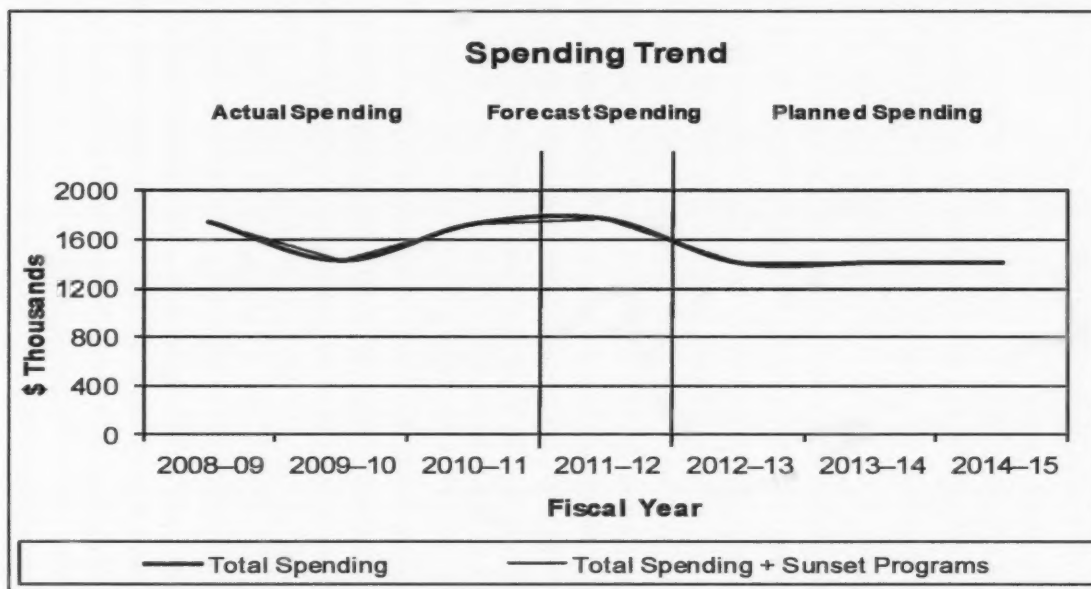
Program Activity	Forecast Spending 2011-12	Planned Spending			Alignment to Government of Canada Outcomes
		2012-13	2013-14	2014-15	
Review and Appeal Hearings	1,423	1,072			A safe and secure Canada
Total Planned Spending		1,072	1,072	1,072	

Planning Summary Table

Program Activity	Forecast Spending 2011-12	Planned Spending		
		2012-13	2013-14	2014-15
Internal Services	350	340		
Total Planned Spending		340	340	340

Expenditure Profile

Departmental Spending Trend



Estimates by Vote

For information on organizational appropriations, please see the publication 2012-13 Main Estimates.

Section II: Analysis of Program Activities by Strategic Outcome(s)

Strategic Outcome

The Tribunal's strategic outcome is to provide the Canadian transportation community with the opportunity to have the Minister of Transport's enforcement and licensing decisions reviewed by an independent body.

The Tribunal's only activity is providing an independent review process for aviation, marine and rail by providing document holders with the opportunity to proceed with a Review or Appeal Hearing. The Tribunal represents the only forum ensuring that document holders have access to an independent assessment governed by considerations of natural justice. Its role does not overlap with, nor is it duplicated by, any other agency, board, commission or tribunal. It is unique in the national transportation field, in that its function is entirely adjudicative.

Program Activity: Review and Appeal Hearings

Program Activity Description

Provides for the operation of an independent tribunal to conduct hearings and to respond to requests from the transportation community for the review of enforcement and licensing decisions made by the Minister of Transport under the following Acts:

- Aeronautics Act, R.S.C 1985, c. A-2;
- Canada Marine Act 1998, c. 10;
- Canada Shipping Act, 2001, R.S.C. 1985, c. S-9;
- Canada Transportation Act, S.C. 1996, c. 10;
- Marine Transportation Security Act, S.C. 1994, c. 20;
- Railway Safety Act, R.S.C. 1985, c. 32 (4th Supp.); and
- International Bridges and Tunnels Act, (S.C. 2007, c. 1).

When a Review or Appeal Hearing concludes, the Tribunal may confirm the Minister's decision, substitute its own decision, or refer the matter back to the Minister for reconsideration.

Financial Resources (in thousands of dollars)

2012-13	2013-14	2014-15
1,072	1,072	1,072

Human Resources (Full-Time Equivalent—FTE)

2012–13	2013–14	2014–15
9	9	9

Program Activity Expected Results	Performance Indicators	Targets
Access to an independent assessment governed by considerations of natural justice.	Hearings conducted in a timely manner.	100% of decisions rendered within 120 days of a Hearing.
Improved awareness and better information among the Transportation community and key stakeholders with respect to the Tribunal's mandate, services and decisions.	Tribunal information accessible to the lay person in a timely manner.	Ongoing
	Participating in conferences and trade association meetings to enhance citizen engagement and public access to the Tribunal's program.	Ongoing
	Promote the Tribunal's program in public events.	Ongoing
	Building and maintaining communication partnerships with the Transportation community to help meet diverse needs.	Ongoing
	Redesigning the Tribunal's Web site.	Tribunal's Web site updated by March 31, 2013.

Planning Highlights

The Tribunal provides the national transportation community with the opportunity to have the Minister of Transport's enforcement and licensing decisions reviewed by an independent body. The Tribunal aims to render decisions on cases it reviews within 120 days of a Hearing.

Program Activity: Internal Services**Program Activity Description**

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. Internal Services include only those activities and resources that apply across an organization, not to those provided specifically to a program.

Financial Resources (in thousands of dollars)

2012-13	2013-14	2014-15
340	340	340

Human Resources (Full-Time Equivalent—FTE)

2012-13	2013-14	2014-15
3	3	3

Program Activity Expected Results	Performance Indicators	Targets
Provide Internal Services to the Tribunal in an efficient manner	Internal Services provided within Treasury Board Regulations	100% of Internal Services provided within Treasury Board Regulations

Planning Highlights

As a micro-organization, the Tribunal relies heavily on third parties for many of its Internal Services. During this fiscal year, a Memorandum of Understanding (MOU) with Transport Canada was established to formalize a service relationship with the Tribunal for the provision of human resources, financial management, accounting, contracting, information management technology, and security services. The MOU clearly describes each party's roles and responsibilities and will enhance the delivery efficiency of these specific services.

Section III: Supplementary Information

Financial Highlights

Future-Oriented**Condensed Statement of Operations**

For the Year (ended March 31, 2012)

(\$ thousands)

	\$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total Expenses	(\$361)	\$1,412	\$1,773
Total Revenues	-	-	-
Net Cost of Operations	(\$361)	\$1,412	\$1,773

Condensed Statement of Financial Position

For the Year (ended March 31, 2012)

(\$ thousands)

	\$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total assets	-	\$250	\$250
Total liabilities	-	\$400	\$400
Equity	-	(\$150)	(\$150)
Total	-	\$250	\$250

Future-Oriented Financial Statements

Additional information on the Future-Oriented Statement of Operations can be found on the Tribunal's Web site at www.tatc.gc.ca.

List of Supplementary Information Tables

All electronic supplementary information tables found in the *2012-13 Reports on Plans and Priorities* can be found on the [Treasury Board of Canada Secretariat Web site](#).

Section IV: Other Items of Interest

Organizational Contact Information

Transportation Appeal Tribunal of Canada
333 Laurier Avenue West
Room 1201
Ottawa, Ontario, K1A 0N5

Telephone: 613-990-6906
Fax: 613-990-9153
E-mail: info@tatc.gc.ca
Web Site: www.tatc.gc.ca